

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

JOSEPH BEAR WALKER,)	
)	
Plaintiff,)	
)	
v.)	Case No. CIV-24-197-D
)	
POTTAWATOMIE COUNTY PUBLIC)	(District Court of
SAFETY CENTER TRUST,)	Pottawatomie County,
)	Oklahoma, Case No.
Defendant.)	CJ-2024-39)

ORDER

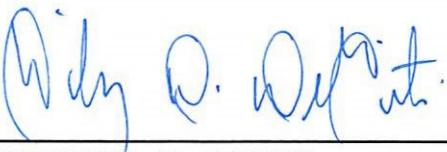
Plaintiff initially filed this action in the District Court of Pottawatomie County, Oklahoma, asserting various claims stemming from an alleged denial of adequate medical care from Defendant's staff. Defendant removed the case to federal court, and the undersigned referred it to United States Magistrate Judge Suzanne Mitchell pursuant to 28 U.S.C. § 636(b)(1)(B), (C). Shortly thereafter, Defendant filed its Motion to Dismiss. When Plaintiff failed to respond to Defendant's Motion, Magistrate Judge Mitchell ordered Plaintiff to show cause why the Motion should not be deemed confessed pursuant to the Court's Local Rules. In response, Plaintiff stated, among other things, that he intended only to assert state-law claims and was prepared to abandon any claims giving rise to federal subject-matter jurisdiction. Defendant responded and stated that, if Plaintiff disclaims all federal causes of action, it does not oppose remand of this action.

On April 30, 2024, Magistrate Judge Mitchell issued a Report and Recommendation [Doc. No. 15], in which she recommends granting Plaintiff's Request for Remand and remanding the case to state court. Specifically, Magistrate Judge Mitchell concludes that,

“[w]ith Plaintiff asserting no federal claims in this matter, this Court lacks jurisdiction under 28 U.S.C. § 1331” *Id.* at 5. Upon review of the file and noting no timely objections to the findings and recommendations of Magistrate Judge Mitchell, the Court adopts the Report and Recommendation in its entirety.

For the reasons stated in the Report and Recommendation, Plaintiff’s Request for Remand [Doc. No. 9] is **GRANTED**. This case is remanded to the District Court of Pottawatomie County, Oklahoma.¹

IT IS SO ORDERED this 17th day of May, 2024.



TIMOTHY D. DeGIUSTI
Chief United States District Judge

¹ Defendant’s pending Motion to Dismiss [Doc. No. 6] is denied as moot.